

(A) whether any governmental authorities tolerate or are involved in trafficking activities;

(B) which governmental authorities are involved in anti-trafficking activities;

(C) what steps the government has taken toward ending the participation of its officials in trafficking;

(D) what steps the government has taken to prosecute and investigate those officials found to be involved in trafficking;

(E) what steps the government has taken to prohibit other individuals from participating in trafficking, including the investigation, prosecution, and conviction of individuals involved in trafficking, the criminal and civil penalties for trafficking, and the efficacy of those penalties on reducing or ending trafficking;

(F) what steps the government has taken to assist trafficking victims, including efforts to prevent victims from being further victimized by police, traffickers, or others, grants of stays of deportation, and provision of humanitarian relief, including provision of mental and physical health care and shelter;

(G) whether the government is cooperating with governments of other countries to extradite traffickers when requested;

(H) whether the government is assisting in international investigations of transnational trafficking networks; and

(I) whether the government—

(i) refrains from prosecuting trafficking victims or refrains from other discriminatory treatment towards trafficking victims due to such victims having been trafficked, or the nature of their work, or their having left the country illegally; and

(ii) recognizes the rights of victims and ensures their access to justice.

(c) **REPORTING STANDARDS AND INVESTIGATIONS.**

(1) **RESPONSIBILITY OF THE SECRETARY OF STATE.**—The Secretary of State shall ensure that United States missions abroad maintain a consistent reporting standard and thoroughly investigate reports of trafficking.

(2) **CONTACTS WITH NONGOVERNMENTAL ORGANIZATIONS.**—In compiling data and assessing trafficking for the Human Rights Report and the Inter-Agency Task Force to Monitor and Combat Trafficking Annual Report, United States mission personnel shall seek out and maintain contacts with human rights and other nongovernmental organizations, including receiving reports and updates from such organizations, and, when appropriate, investigating such reports.

**SEC. 06. INELIGIBILITY FOR POLICE ASSISTANCE.**

(a) **INELIGIBILITY.**—Except as provided in subsection (b), any foreign government identified in the latest report submitted under section 05 as a government that—

(1) has failed to take effective action towards ending the participation of its officials in trafficking; and

(2) has failed to investigate and prosecute meaningfully those officials found to be involved in trafficking,

shall not be eligible for police assistance.

(b) **WAIVER OF INELIGIBILITY.**—The President may waive the application of subsection (a) to a foreign country if the President determines and certifies to Congress that the provision of police assistance to the country is in the national interest of the United States.

**SEC. 07. PROTECTION OF TRAFFICKING VICTIMS.**

(a) **NONIMMIGRANT CLASSIFICATION FOR TRAFFICKING VICTIMS.**—Section 101(a)(15) of

the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)) is amended—

(1) by striking “or” at the end of subparagraph (R);

(2) by striking the period at the end of subparagraph (S) and inserting “; or”; and

(3) by adding at the end the following new subparagraph:

“(T) an alien who the Attorney General determines—

“(i) is physically present in the United States, and

“(ii) is or has been a trafficking victim (as defined in section 04 of the International Trafficking of Women and Children Victim Protection Act of 1999),

for a stay of not to exceed 3 months in the United States, except that any such alien who has filed a petition seeking asylum or who is pursuing civil or criminal action against traffickers shall have the alien's status extended until the petition or litigation reaches its conclusion.”.

(b) **WAIVER OF GROUNDS FOR INELIGIBILITY FOR ADMISSION.**—Section 212(d) of the Immigration and Nationality Act (8 U.S.C. 1182(d)) is amended—

(1) by inserting “(1)” after “(d)”; and

(2) by adding at the end the following:

“(2) The Attorney General shall, in the Attorney General's discretion, waive the application of subsection (a) (other than paragraph (3)(E)) in the case of a nonimmigrant described in section 101(a)(15)(T), if the Attorney General considers it to be in the national interest to do so.”.

(c) **INVOLUNTARY SERVITUDE.**—Section 1584 of title 18, United States Code, is amended—

(1) inserting “(a)” before “Whoever”;;

(2) by striking “or” after “servitude”;;

(3) by inserting “transfers, receives or harbors any person into involuntary servitude, or” after “servitude,”; and

(4) by adding at the end the following:

“(b) In this section, the term ‘involuntary servitude’ includes trafficking, slavery-like practices in which persons are forced into labor through non-physical means, such as debt bondage, blackmail, fraud, deceit, isolation, and psychological pressure.”.

(d) **TRAFFICKING VICTIM REGULATIONS.**—Not later than 180 days after the date of enactment of this Act, the Attorney General and the Secretary of State shall jointly promulgate regulations for law enforcement personnel, immigration officials, and Foreign Service officers requiring that—

(1) Federal, State and local law enforcement, immigration officials, and Foreign Service officers shall be trained in identifying and responding to trafficking victims;

(2) trafficking victims shall not be jailed, fined, or otherwise penalized due to having been trafficked, or nature of work;

(3) trafficking victims shall have access to legal assistance, information about their rights, and translation services;

(4) trafficking victims shall be provided protection if, after an assessment of security risk, it is determined the trafficking victim is susceptible to further victimization; and

(5) prosecutors shall take into consideration the safety and integrity of trafficked persons in investigating and prosecuting traffickers.

**SEC. 08. ASSISTANCE TO TRAFFICKING VICTIMS.**

(a) **IN THE UNITED STATES.**—The Secretary of Health and Human Services is authorized and encouraged to provide, through the Office of Refugee Resettlement, assistance to trafficking victims and their children in the United States, including mental and physical health services, and shelter.

(b) **IN OTHER COUNTRIES.**—The President, acting through the Administrator of the United States Agency for International Development, is authorized and encouraged to provide programs and activities to assist trafficking victims and their children abroad, including provision of mental and physical health services, and shelter. Such assistance should give special priority to programs by nongovernmental organizations which provide direct services and resources for trafficking victims.

**SEC. 09. AUTHORIZATION OF APPROPRIATIONS.**

(a) **AUTHORIZATION OF APPROPRIATIONS FOR THE INTER-AGENCY TASK FORCE.**—To carry out the purposes of section 05, there are authorized to be appropriated to the Secretary of State \$2,000,000 for fiscal year 2000 and \$2,000,000 for fiscal year 2001.

(b) **AUTHORIZATION OF APPROPRIATIONS TO THE SECRETARY OF HHS.**—To carry out the purposes of section 08(a), there are authorized to be appropriated to the Secretary of Health and Human Services \$20,000,000 for fiscal year 2000 and \$20,000,000 for fiscal year 2001.

(c) **AUTHORIZATION OF APPROPRIATIONS TO THE PRESIDENT.**—To carry out the purposes of section 08(b), there are authorized to be appropriated to the President \$20,000,000 for fiscal year 2000 and \$20,000,000 for fiscal year 2001.

(d) **PROHIBITION.**—Funds made available to carry out this subtitle shall not be available for the procurement of weapons or ammunition.

#### MCCAIN AMENDMENT NO. 699

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill, S. 886, supra; as follows:

At the end of the bill, add the following new section:

Notwithstanding any other provision of law, the Inspector General of the Department of State shall serve as the Inspector General of the Inter-American Foundation and shall have all the authorities and responsibilities with respect to the Inter-American Foundation as the Inspector General has with respect to the Department of State.

#### ADDITIONAL STATEMENTS

##### SEAPLANE CREW'S BATTLE FOR RECOGNITION

• Mr. MOYNIHAN. Mr. President, I bring to the Senate's attention an excellent article written by Alan Emory, the Senior Washington Correspondent for the *Watertown Daily Times*, entitled “WWII Seaplane Crew Still Battling With Navy Red Tape Over Medals.” Mr. Emory tells the incredible story of the rescue of a U.S. Airman by the crew of the Patrol Bomber Martin from the waters off Japan in World War II. Remarkably, the crew was denied the proper recognition for this act, and they have battled over the years to right that wrong.

At the time the rescue took place, the Navy, according to those involved, promised the pilot the Navy Cross and

his crew the Silver Star. When the medals were actually awarded, however, all were awarded lesser medals. The disappointed crew accepted the medals without complaint. Years later when an appeal was filed, the Navy rejected the claim on the grounds that the deadline for such appeals had passed. But, a 1997 law waived the time limitation on appeals for such heroic acts.

The Navy has denied that any promise was made to the pilot or the crew. However, a newly declassified document from six months after the rescue showed that in fact the Navy had promised the pilot, Robert H. Macgill, the Navy Cross. The crew had signed affidavits that they were promised the Silver Star. Unfortunately no document has been found to back up their claim, but this in no way decreases the gravity of this oversight.

To date, the Department of the Navy has refused to upgrade the medal status of those involved, though the case is still under review. I thank Mr. Emory for bringing this important act of bravery and incredible oversight to our attention.

I ask that the article be printed into the RECORD.

The article follows:

[From the Watertown Daily Times, Apr. 4, 1999]

# WWII SEAPLANE CREW STILL BATTLING WITH NAVY RED TAPE OVER MEDALS

(By Alan Emory)

WASHINGTON—One of the most daring exploits of World War II took place in the water off Kobe, Japan, on July 24, 1945.

The war itself ended about a month later.

For the pilot, copilot and crew of the huge Patrol Bomber Martin (PBM) seaplane that plucked a U.S. airman out of the water as Japanese boats headed for him, however, a post-war battle with Navy bureaucracy is still going on, nearly 54 years later.

The men, now all in their 70s, were promised certain medals—a Navy Cross for pilot Robert H. Macgill of Miami, Fla., and Silver Stars for the others. All agree the pilot regularly receives the highest honor because he makes the key decisions.

When medals were awarded however, Mr. Macgill received a Silver Star and the others Air Medals, which are given to any service personnel performing five flights in a combat area.

Though disappointed, the fliers accepted their downgraded decorations without complaint, but a Korean War fighter pilot heard about the situation and launched an appeal to the Navy Department with the help of the PBM copilot, David C. Quinn.

The Navy rejected the appeal, saying the deadline for such awards had expired. Last year, however, the "Mariner/Marlin Association Newsletter" reported that a 1997 law had waived the time limitation, and many war heroes had medal eligibility restored.

The Navy stood its ground, however, so Mr. Quinn, a North Salem, N.Y., lawyer and husband of syndicated columnist Jane Bryant Quinn, took his case to Rep. Sue W. Kelly, R-Katona, and Sen. Daniel Patrick Moynihan D-N.Y. The evidence was reviewed, and they agreed the higher-level medals should be awarded.

Their case took on added political clout when one of the crewmen, Jerrold A. Watson, now a peach grower in Monetta, S.C., turned out to be a constituent of both Chairman Floyd Spence, R-S.C., of the House Armed Services Committee, and Sen. J. Strom Thurmond, R-S.C., former chairman of the Senate Armed Services Committee.

Sen. Moynihan called the rescue of the downed Corsair fighter pilot, Ensign Edwin A. Heck, 22, of Barrackville, W.Va., "an act of bravery deserving of high recognition."

Rep. Kelly said the "extraordinary rescue," in the water off Japan's fourth largest city, merited "something more than an Air Medal."

She rejected the finding by Karen S. Heath, principal deputy to the Navy's chief of manpower and reserve affairs, that the awards were appropriate, countering that they resulted from "errors in Navy records."

Last September, then-Navy Secretary John H. Dalton told Sen. Moynihan that upgrading the Quinn medal was "not warranted," and the Air Medal was "appropriate and consistent" with those awarded at the time.

The Navy argued steadily that there was no documentary proof that a Navy Cross for Mr. Macgill and Silver Stars for his crew had actually been recommended, although all involved signed affidavits that they had been promised those medals.

A declassified Navy memorandum six months after the rescue shows that Mr. Macgill had been recommended for a Navy Cross, though it does not affirm the oral recommendation for the Silver Stars for Mr. Quinn and the others.

Mr. Quinn says that, instead of a trio of "antique, disjointed medal-beggars," they were bolstered by the discovery that Mr. Macgill was alive in Miami.

His address was found by a computer search, with a phone number that gave only a recorded response, but he received a forwarded letter and, last Oct. 30, phoned Mr. Quinn and confirmed the original medal recommendations.

The PBM seaplane, known in Navy slang as a Dumbo because of its size, was part of a rescue squadron stationed at Okinawa on the seaplane tender *Pine Island*. Their mission was to rescue airmen shot down while raiding Japanese installations.

Their aircraft was enormous, with a wingspread equal to the height of a 12-story building, and was very slow.

On July 24, 1945, Mr. Heck was shot down and floated in a life jacket for about five hours in Kobe harbor. A radio call asked, "Is there a Dumbo in the area?" and the Macgill crew answered affirmatively. Sixteen Corsair fighters formed an escort and strafed Japanese boats trying to reach Mr. Heck.

The PBM flew over the docks of Kobe at an altitude of about 400 feet, with people standing there watching, according to the Nov. 16, 1998, deposition of Mr. Macgill. The fighter escort, getting low on fuel, had to leave.

A Japanese fighter made a run at the PBM, and shore batteries opened antiaircraft fire, but, Mr. Macgill says, it was "amazing" that they were not shot down. More than 14 hours after they had left Okinawa, they returned, hugging the Japanese coast, with the rescued fighter pilot.

The official Navy report said, "The Dumbo, sweating out the remaining fuel, returned to Okinawa at 300 feet altitude and approximately 10 miles offshore."

Mr. Macgill, quoting Navy officers there, said they believed it was "impossible" to achieve an air-sea rescue on Japan's mainland.

"I distinctly recall," he said, that Squadron Commanding Officer Lt. Cmdr. William Bonvillian and Capt. William L. Erdmann, Greenburg, Ind., the officer in charge of rescue missions, had both said they were urging the Navy Cross for Mr. Macgill and Silver Stars for the others.

"My original memory was correct," he said, and the confusion over his own medal was never carried over to the "unquestioned recommendation" that the others in the crew receive Silver Stars.

Mr. Quinn maintains that an official Navy account, marked "Secret," disputes the finding that his rescue occurred "seven miles southwest of Kobe" and therefore, should be lumped in with other missions.

A Smithsonian Institution Press book about the exploits of 28 World War II combat pilots in their own words includes the Quinn story because of the uniqueness of air-sea rescues and the high-risk Kobe flight.

One war correspondent wrote that it was "perhaps the most daring and the most spectacular of all Pacific air-sea rescues," the first into the Inland Sea, with the downed pilot within the sight of people walking the streets of Kobe.

Judi Briner of St. Louis, daughter of PBM crewman Robert Briner, who has terminal cancer, told Mr. Quinn she would like to see Rep. Ike Shelton, D-Mo., an influential member of the House Armed Services Committee, brought into the case.

Ironically, Mr. Quinn found out that another St. Louis resident, whose plea for a Bronze Star for his great-uncle had been ignored for more than a year, received the medal two weeks after Rep. Jim Talent, R-Mo., got in touch with the Army. It came along with a letter entitled, "Expedite/Congressional Interest."

The Navy's Awards Branch has never challenged the description of the PBM crew's combat bravery. Instead, Mr. Quinn asserts, its accounts of the medal dispute are "diametrically opposed" and, he feels, are "tainted and (should be) disallowed."

A former assistant state attorney general, he says he flew Navy planes for 26 years, four in World War II, and he holds a Vietnam War Campaign Medal. He says, "I do not easily throw in towels."

Richard Danzig, the new Navy secretary, who is scheduled to address the National Press Club on Tuesday, told Sen. Moynihan Jan. 28 that the Navy Awards Branch was reviewing the documents.

At a March 11 Capitol Hill meeting with key lawmakers and their aides, Ms. Heath said the Navy had, since the 50th anniversary of World War II, been "inundated with requests" for a new look at the war's awards, and Jeane Kirk, her aide, insisted the Quinn situation was "not all that unique."

Congressional staffers raised the possibility of a "bureaucratic snafu" leading to the medal downgrades. They stressed that the PBM mission was "different," but the Navy could not explain why it had not been treated that way.

The congressional pressure, however, did have an impact.

The Navy officials promised to "reboard," or review, the case with a panel of four "senior captains."

Secretary Danzig had promised a "careful study."

Rep. John M. McHugh, R-Pierrepont Manor, the senior New Yorker on the House Armed Services Committee, feels that if the issue were brought before the full New York congressional delegation and, possibly, the committee, it would receive a sympathetic hearing.●